



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

MINUTES OF THE COMMITTEE
ON
CRIMINAL JUSTICE

Tuesday, June 9, 2015 9:00 a.m. Room 327 House Office Building

The House Standing Committee on Criminal Justice was called to order by the Chair.

Members present: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.

Members absent/excused: None.

Representative Webber moved to adopt the June 2, 2015, minutes. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 4476 before the committee:

HB 4476 (Santana) Civil procedure; other; mediation; limit in certain domestic relations actions.

Representative Santana and Peter Cunningham, representing the State Bar of Michigan, testified in support of the proposed substitute.

Representative Lucido moved to adopt substitute (H-1) to HB 4476. The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.

Nays: None.

Pass: None.

Joseph Baumann and Doug Van Epps, both representing the State Court Administrator's Office, testified with a neutral position on the bill.

Rio Vale, representing the Family Law Section of the State Bar of Michigan, submitted a card in support of the bill, but did not wish to speak.

Representative Lucido moved to report HB 4476 with recommendation, as substitute (H-1). The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.

Nays: None.

Pass: None.

The Chair laid HB 4477 before the committee:

HB 4477 (Kesto) Civil procedure; appeals; service of papers; provide for alternate service if party is protected by a protective order.

Brian Pierce, representing Representative Kesto's office, explained the proposed substitute.

Representative Courser moved to adopt substitute (H-1) to HB 4477. The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.
Nays: None.
Pass: None.

Larry Julian, representing the Michigan Council of Professional Investigators, submitted a card in opposition to the bill, but did not wish to speak.

Joseph Baumann and Doug Van Epps, both representing the State Court Administrator's Office, testified with a neutral position on the bill.

Rio Vale, representing the Family Law Section of the State Bar of Michigan, submitted a card in support of the bill, but did not wish to speak.

Representative Howrylak moved to report HB 4477 with recommendation, as substitute (H-1). The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.
Nays: None.
Pass: None.

The Chair laid HB 4478 before the committee:

HB 4478 (Kosowski) Civil procedure; personal protection orders; acts that may be enjoined; include harming animals owned by petitioner.

Rio Vale, representing the Family Law Section of the State Bar of Michigan, submitted a card in support of the bill, but did not wish to speak.

Representative Webber moved to report HB 4478 with recommendation. The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.
Nays: None.
Pass: None.

The Chair laid HB 4479 before the committee:

HB 4479 (Price) Crimes; assaultive; assault of a pregnant woman; increase penalties under certain circumstances.

Aaron Van Langevelde, representing the Republican Policy Office, discussed the proposed substitute. Questions and discussion followed.

Representative Courser moved to adopt substitute (H-2) to HB 4479. The motion prevailed 5-0-3.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido.

Nays: None.

Pass: Reps. Guerra, Hovey-Wright, Chang.

Mary Pollock, representing the Michigan National Organization for Women, testified with a neutral position on the bill as substituted.

Representative Courser moved to report HB 4479 with recommendation, as substitute (H-2). The motion prevailed 5-0-3.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido.

Nays: None.

Pass: Reps. Guerra, Hovey-Wright, Chang.

The Chair laid HB 4480 before the committee:

HB 4480 (Heise) Children; protection; factors determining best interest of child; modify in cases of domestic violence.

The following people submitted a card in support of the bill, but did not wish to speak:

Rio Vale, representing the Family Law Section of the State Bar of Michigan.

Kathy Hagenian, representing the Michigan Coalition to End Domestic & Sexual Violence.

Representative Lucido moved to report HB 4480 with recommendation. The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.

Nays: None.

Pass: None.

The Chair laid HB 4481 before the committee:

HB 4481 (Lyons) Family law; child custody; custody or parenting time for certain parents of a child conceived through sexual assault or sexual abuse; prohibit under certain circumstances.

Rio Vale, representing the Family Law Section of the State Bar of Michigan, submitted a card in opposition to the bill, but did not wish to speak.

Kathy Hagenian, representing the Michigan Coalition to End Domestic & Sexual Violence, submitted a card in support of the bill, but did not wish to speak.

Representative Webber moved to report HB 4481 with recommendation. The motion prevailed 5-0-3.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido.

Nays: None.

Pass: Reps. Guerra, Hovey-Wright, Chang.

The Chair handed the gavel over to Vice-Chair Webber.

The Vice-Chair placed the committee at ease, the time being 9:26 a.m.

The Vice Chair brought the committee back to order, the time being 9:30 a.m.

The Vice-Chair laid HB 4419 and HB 4420 before the committee:

HB 4419	(Heise)	Criminal procedure; sentencing; 2-year mandatory sentencing requirement for felony firearm conviction; eliminate.
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HB 4420	(Gay-Dagnogo)	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of felony firearm; provide for.
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Chairman Heise testified in support of his bill. Questions and discussion followed.

The Chair returned to the gavel.

Judge Christopher Yates, representing the Michigan Judges Association, and Judge Colombo, representing the Wayne County Circuit Court, both testified in support of HB 4419. Questions and discussion followed.

Barbara Levine, representing the Citizens Alliance on Prisons and Public Spending, testified in support of HB 4419.

Jessica Zimbelman, representing the Prisons and Corrections Law Section of the State Bar of Michigan, testified in support of the bills. Questions and discussion followed.

Kristen Staley, representing the Michigan Council on Crime and Delinquency, testified in support of the bills. Questions and discussion followed.

Noah Smith, representing the Criminal Defense Attorneys of Michigan, testified in support of the bills.

Bruce Timmons, representing himself, testified in support of the bills.

David Layton, representing the Genesee County Prosecuting Attorney's office and the Prosecuting Attorney's Association of Michigan, testified in opposition to the bills. Questions and discussion followed.

Kyle Kaminski, representing the Michigan Department of Corrections, testified with a neutral position on the bills. Questions and discussion followed.

Shelli Weisberg, representing the American Civil Liberties Union of Michigan, submitted a card in support of HB 4419, but did not wish to speak.

The following people submitted a card in opposition to the bill, but did not wish to speak:

Robert Stevenson, representing the Michigan Association of Chiefs of Police.

Terry Jungel, representing the Michigan Sheriffs Association.

Alan Cropsey and Laura Moody, both representing the Attorney General.

Sgt. Tim Fitzgerald, representing the Michigan State Police.

Representative Courser moved to adopt substitute (H-3) to HB 4419. The motion prevailed 7-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright.

Nays: None.

Pass: None.

Representative Howrylak moved to adopt substitute (H-3) to HB 4420. The motion prevailed 7-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright.

Nays: None.

Pass: None.

There being no further business before the committee, the Chair adjourned the meeting at 10:51 a.m.

Representative Kurt Heise, Chair_____

Angie Lake, Committee Clerk

House Criminal Justice Committee